

Kansas Permit No.: I-AANN-PRNN

General Permit No.: G-CONC-2007-1

Federal Permit No.: KSG11NNNN

Kansas Water Pollution Control General Permit & Authorization to Discharge

UNDER THE NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM

FOR READY-MIX CONCRETE PLANTS, CONCRETE PRODUCTS PLANTS AND THEIR ASSOCIATED FACILITIES

Pursuant to the provisions of the Federal Water Pollution Control Act, as amended, 33 U.S.C. §1251 et seq. (the "ACT"), the Kansas Water Pollution Control Statutes Annotated 65-164 and 65-165, and rules and regulations adopted thereunder,

Permittee Name: _____

Permittee Address: _____

City: _____ State: _____ ZIP: _____

Facility Name: _____

Facility Address: _____

City: _____ State: _____ ZIP: _____

Legal Description: _____

Receiving Stream: _____

River Basin: _____

is authorized to discharge to surface waters of the State described above in accordance with effluent limitations, monitoring requirements and other conditions set forth herein.

This permit is effective _____, supercedes the previously issued Kansas water pollution control permit I-AANN-PRNN and expires on _____.

FACILITY DESCRIPTION:

(To be completed by KDHE)

Secretary - Kansas Department of Health and Environment

Date of Issuance

A. DISCHARGE LIMITATIONS AND MONITORING REQUIREMENTS

Discharges shall be controlled, limited and monitored by the permittee as specified below. The discharge shall have no visible oil sheen, floating solids or visible foam in other than trace amounts.

The initial monitoring period shall begin _____ and end _____. Each consecutive quarter thereafter shall constitute a monitoring period. **If a discharge occurs at any time during any monitoring period, the permittee shall sample and test the discharge according to the requirements in the table below.** The test results shall be transferred to a standard Discharge Monitoring Report form provided by KDHE and shall be submitted on or before the 28th day of January of each year for the previous year. If there was no discharge during the monitoring period, the permittee shall note on the Discharge Monitoring Report for that quarter "No discharge occurred during the quarter". Permittee shall notify KDHE of non-compliance with the limits provided herein according to the reporting requirements provided in the Standard Conditions, Paragraph 7. **The permittee is required to submit the Discharge Monitoring Report to KDHE by January 28 of each year for the previous year even if there was no discharge during the entire year.**

| <u>EFFLUENT LIMITATIONS</u> | | | <u>MONITORING REQUIREMENTS</u> | |
|--|--------------|----------------------|--------------------------------|--------------------|
| <u>Effluent Parameters</u> | <u>Units</u> | <u>Daily Maximum</u> | <u>Sample Frequency</u> | <u>Sample Type</u> |
| PROCESS WASTEWATER FROM THE POLLUTION CONTROL STRUCTURE OUTFALL | | | | |
| Flow | gpd | Monitor | Monthly* | Estimate |
| Oil and Grease | mg/l | 15 | Quarterly ⁽¹⁾ | Grab |
| Total Suspended Solids (TSS) | mg/l | 100 | Quarterly ⁽¹⁾ | Grab |
| pH | S.U. | 6.0 to 9.0 | Quarterly ⁽¹⁾ | Grab |
| Sulfate | mg/l | Monitor | Quarterly ⁽¹⁾ | Grab |
| Chloride | mg/l | Monitor | Quarterly ⁽¹⁾ | Grab |
| Concrete/Water Treatment Additives | | | Monthly ⁽²⁾ | Record Usage |

Stormwater Runoff

| | | | |
|--------------------------------|------------|--------------------------|----------------------|
| Storm Water Control Inspection | Inspection | Quarterly ⁽³⁾ | Informational Report |
|--------------------------------|------------|--------------------------|----------------------|

- * The flow shall be calculated as the estimated total amount of water leaving the settling basins over a calendar month divided by the number of days in that month.
- (1) Permittee is required to sample and test any discharge once during the quarter. If no discharge occurs at any time during the quarter, no sampling or testing is required.
- (2) The permittee shall maintain the following records at the site for each water treatment additive, concrete entraining agents, retardants, accelerators, and others, which are used in the process:
 - a. Name, material safety data sheets (MSDS) and manufacturer of each additive used;
 - b. Quantity of each additive used, on a monthly basis.
- (3) See Supplemental Condition No. 3. Retain reports at the site.

B. SUPPLEMENTAL CONDITIONS

1. The permittee is required to have settling / equalization basin(s) meeting or equivalent to the criteria provided on page 3 of the instructions for the Notice of Intent (permit application) under the "Provisions for Construction of Settling / Equalization Basins".

B. SUPPLEMENTAL CONDITIONS (continued)

2. This permit does not authorize the discharge of boiler cleaning wastes nor does it authorize storm water runoff from **construction** activities at industrial locations. These activities need separate permits.
3. This permit authorizes storm water discharges associated with the industrial activities at the facility. The storm water pollution prevention plan (SWP2 Plan) shall be kept on the facility site and made available for review by EPA and KDHE representatives upon request. The SWP2 Plan shall be updated as necessary to comply with state and federal requirements and reduce pollution from stormwater runoff using Best Management Practices and other controls.
4. Abandonment and Closure of Wastewater Retention Basin(s):
 - A. Permittee shall properly maintain the water pollution control structures and keep the permit active until the structures are properly abandoned and the permit terminated.
 - B. Water pollution control structures shall be considered abandoned and shall be properly closed if not used for five years, not properly maintained or if the permit is allowed to become inactive by failure to pay the annual permit fee when due or failure to apply for a permit renewal via the Notice of Intent prior to the permit expiring.
 - C. Permittee shall properly abandon the water pollution control structures according to the procedures provided below.
 - (1) Remove fences and above ground structures around the control structure.
 - (2) Dispose of the water by irrigation on the facility property or road / facility area for dust suppression, re-use, etc. Permittee shall ensure there is no run off of the wastewater beyond the facility boundaries.
 - (3) Unless otherwise required by contract or other legal requirements, permittee may push any concrete walls or asphalt aprons into the bottom of the basin. Cover the debris with at least 24 inches of clean soil. Grade the filled area to its original contours to minimize water accumulation (ponding). Reseed the disturbed area with grass to minimize soil erosion.
 - (4) After completion of the pond closure, inform the appropriate KDHE district office so a post closure inspection can be performed. Locations of the KDHE district offices can be found at www.kdheks.gov/directions/index.html or by calling 785-296-5545.
5. Issuance of this permit does not relieve the permittee of any responsibility to satisfy any requirements the Kansas Department of Agriculture - Division of Water Resources, Kansas Department of Wildlife and Parks, the Kansas Historical Society, the Kansas Department of Transportation or any local, city, county, state or federal government agency may have regarding the proposed facility.
6. Facility Relocation: Permittees relocating the facility covered under this general permit must submit a Notice of Permit Termination to terminate this permit and also a Notice of Intent to apply for a new general permit at the new location if the facility is continuing to operate in the State of Kansas.
7. Termination of Permit: A Notice of Permit Termination form can be downloaded from the KDHE website at www.kdheks.gov/water/tech.html .
8. Transferring the Permit: This permit can be transferred to a new permit holder using the Permit Transfer Request form from the KDHE website at www.kdheks.gov/water/tech.html .

B. SUPPLEMENTAL CONDITIONS (continued)

9. SWP2 Plan Amendments: The Plan shall be re-evaluated and modified in a timely manner, but in no case more than six (6) weeks after:
 - A. expansion, production increases, process modifications, changes in material handling or storage or other activities are planned which will result in significant increases in the exposure of pollutants to storm water discharged either to waters of the state or to storm water treatment devices. The amendment shall contain a description of the new activities that contribute to the increased pollutant loading, planned source control activities that will be used to control pollutant loads, an estimate of the new or increased discharge of pollutants following treatment and, when appropriate, a description of the effect of the new or increased discharge on existing storm water treatment facilities.
 - B. the permittee's inspections indicate deficiencies in the SWP2 Plan or in any BMP requiring the BMP to be significantly changed or upgraded; or
 - C. a visual inspection of contributing areas or a visual inspection of the storm water discharges or monitoring of the storm water discharges indicate the Plan appears to be ineffective in eliminating or significantly minimizing pollutants from the facility.
 - D. written notice that the department finds the storm water controls to be ineffective in achieving compliance with this permit, Kansas or Federal law.
10. Quarterly Inspections: The permittee shall inspect the system of storm water controls on a quarterly basis and within 24 hours after any rainfall event of 2 inches or more or other event which could reasonably be expected to affect the integrity of the controls. The inspection shall be adequate to verify that the site drainage conditions and potential pollution sources identified in the SWP2 Plan remain accurate, and that the best management practices prescribed in the SWP2 Plan are being implemented, properly operated and adequately maintained. An informational report shall be completed for each inspection which shall include: the inspection date, inspection personnel, scope of the inspection, major observations, and revisions needed in the SWP2 Plan. The report shall be maintained on site as part of the SWP2 Plan for inspection by EPA or KDHE personnel.

C. STANDARD CONDITIONS

1. Representative Sampling:

- A. Samples and measurements taken as required herein shall be representative of the nature and volume of the monitored discharge. All samples shall be taken at the location designated in this permit, and unless specified, at the outfall(s) before the effluent is diluted by any other water or substance.
- B. Monitoring results shall be recorded and reported on forms acceptable to the Division and postmarked no later than the 28th day of January of each year for the preceding year. Signed and certified copies of these, prepared in accordance with KAR 28-16-59 and all other reports required herein, shall be submitted to:

Kansas Department of Health & Environment
Bureau of Water-Technical Services Section
1000 SW Jackson Street, Suite 420
Topeka, KS 66612-1367

- 2. Forms and Information: Forms and information for terminating the permit, transferring the permit, obtaining a permit using the Notice of Intent, Notice of Intent instructions, Discharge Monitoring Report forms, and suggested contents of a Stormwater Pollution Prevention Plan can be found on the KDHE website at www.kdheks.gov/water/tech.html.

3. Definitions:

- A. The "daily maximum" discharge means the total discharge by weight or volume or maximum concentration during a 24-hour period.
- B. A "grab sample" is an individual sample collected in less than 15 minutes.
- C. The "act" means the Clean Water Act, 30 USC Section 1251 et seq.
- D. The terms "Director", "Division", and "Department" refer to the Director, Division of Environment, Kansas Department of Health and Environment, respectively.
- E. "Severe property damage" means substantial physical damage to property, damage to the treatment facilities which causes them to become inoperable, or substantial and permanent loss of natural resources which can reasonably be expected to occur in the absence of a bypass. Severe property damage does not mean economic loss caused by delays in production.
- F. "Bypass" means any diversion of waste streams from any portion of a treatment facility or collection system.

- 4. Test Procedures: All analysis required by this permit shall conform to the requirements of 33 USC Section 1314(h), and shall be conducted in a laboratory certified by this Department. For each measurement or sample, the permittee shall record the exact place, date, and time of sampling; the date of the analyses, the analytical techniques or methods used, and the individual(s) who performed the sampling and analysis and, the results. If the permittee monitors any pollutant at the location(s) designated herein more frequently than required by this permit, using approved procedures, the results shall be included in the Discharge Monitoring Report form required in 1.B. above. Such increased frequencies shall also be indicated.

- 5. Records Retention: All records and information resulting from the monitoring activities required by this permit, including all records of analyses and calibration and maintenance of instrumentation and recordings from continuous monitoring instrumentation, shall be retained for a minimum of 3 years, or longer if requested by the Division.

C. STANDARD CONDITIONS (continued)

6. **Change in Discharge:** All discharges authorized herein shall be consistent with the terms and conditions of this permit. The discharge of any pollutant not authorized by this permit or of any pollutant identified in this permit more frequently than or at a level in excess of that authorized shall constitute a violation of this permit. Any anticipated facility expansions, productions or flow increases, or process modifications which result in a new, different, or increased discharge of pollutants shall be reported to the Division at least one hundred eighty (180) days before such change.
7. **Noncompliance Notifications:** If for any reason, the permittee does not comply with, or will be unable to comply with any daily maximum effluent limitations specified in this permit, the permittee shall provide the Department with the following information in writing within five days of becoming aware of such condition:
 - A. A description of the discharge and cause of noncompliance, and
 - B. The period of noncompliance including exact dates and times or if not corrected, the anticipated time the noncompliance is expected to continue and steps taken to reduce, eliminate and prevent recurrence of the noncomplying discharge.
8. **Facilities Operation:** The permittee shall at all times maintain in good working order and efficiently and effectively operate all treatment, collection, control systems or facilities, to achieve compliance with the terms of this permit. Such proper operation and maintenance procedures shall also include adequate laboratory controls and appropriate quality assurance procedures. Maintenance of treatment facilities which results in degradation of effluent quality, even though not causing violations of effluent limitations shall be scheduled during noncritical water quality periods and shall be carried out in a manner approved in advance by the Division. The permittee shall take all necessary steps to minimize or prevent any adverse impact to waters of the State resulting from noncompliance with any effluent limitations specified in this permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the noncomplying discharge. When necessary to maintain compliance with the permit conditions, the permittee shall halt or reduce those activities under its control which generate wastewater at this facility.
9. **Immediate Reporting Required:** Any diversion from, or bypass of facilities necessary to maintain compliance with the permit is prohibited, except: where no feasible alternatives to the bypass exist and 1) where necessary to prevent loss of human life, personal injury or severe property damage; or 2) where excessive stormwater inflow or infiltration would damage any facilities necessary to comply with this permit or 3) where the permittee notifies the Director seven days in advance of an anticipated bypass. The Director or Director's designee may approve a bypass, after considering its adverse effects, if any of the three conditions listed above are met. The permittee shall immediately notify the Division by telephone [785.296.5517, the appropriate KDHE District Office or the KDHE Environmental hot-line 785.296.1679] of each bypass and shall confirm the telephone notification with a letter explaining what caused this spill or bypass and what actions have been taken to prevent recurrence. Written notification shall be provided to the Director within five days of the permittee becoming aware of the bypass. The Director or Director's designee may waive the written report on a case-by-case basis.
10. **Removed Substances:** Solids, sludges, filter backwash, or other pollutants removed in the course of treatment or control of wastewaters shall be disposed of in a manner acceptable to the Division.
11. **Power Failures:** The permittee shall provide an alternative power source sufficient to operate the wastewater control facilities or otherwise control pollution and all discharges upon the loss of the primary source of power to the wastewater control facilities.

C. STANDARD CONDITIONS (continued)

12. Right of Entry: The permittee shall allow authorized representatives of the Division of Environment or the Environmental Protection Agency upon the presentation of credentials, to enter upon the permittee's premises where an effluent source is located, or in which are located any records required by this permit, and at reasonable times, to have access to and copy any records required by this permit, to inspect any monitoring equipment or monitoring method required in this permit, and to sample any influents to, discharges from or materials in the wastewater facilities.
13. Transfer of Ownership: The permittee shall notify the succeeding owner or controlling person of the existence of this permit by certified letter, a copy of which shall be forwarded to the Division. The succeeding owner shall secure a new permit. The permit is not transferable to any person except after notice and approval by the Director. The Director may require modification or revocation and reissuance of the permit to change the name of the permittee and incorporate such other requirements as may be necessary. The parties may use the Permit Transfer Request form provided at the KDHE website at www.kdheks.gov/water/tech.html to effect the transfer of the permit.
14. Availability of Records: Except for data determined to be confidential under 33 USC Section 1318, all reports prepared in accordance with the terms of this permit shall be available for public inspection at the offices of the Department. Effluent data shall not be considered confidential. Knowingly making any false statement on any such report or tampering with equipment to falsify data may result in the imposition of criminal penalties as provided for in 33 USC Section 1319 and KSA 65-170c.
15. Permit Modifications and Terminations: As provided by KAR 28-16-62, after notice and opportunity for a hearing, this permit may be modified, suspended or revoked or terminated in whole or in part during its term for cause as provided, but not limited to those set forth in KAR 28-16-62 and KAR 28-16-28b through f. The permittee shall furnish to the Director, within a reasonable amount of time, any information which the Director may request to determine whether cause exists for modifying, revoking and reissuing, or terminating this permit or to determine compliance with this permit. The permittee shall also furnish upon request, copies of all records required to be kept by this permit.
16. In the event the Environmental Protection Agency amends or promulgates BPT, BAT, and/or BCT effluent guideline limitations for a specific Point Source Category or any of the subcategories covering this industry or the permitted activities, this permit will be revoked and reissued to incorporate the new limitation(s).
17. Toxic Pollutants: Notwithstanding paragraph 15 above, if a toxic effluent standard or prohibition (including any schedule of compliance specified at such effluent standards) is established under 33 USC Section 1317(a) for a toxic pollutant which is present in the discharge and such standard or prohibition is more stringent than any limitation for such pollutant in this permit, this permit shall be revised or modified in accordance with the toxic effluent standard or prohibition. Nothing in this permit relieves the permittee from complying with federal toxic effluent standards as promulgated pursuant to 33 USC Section 1317.
18. Changes in Discharges of Toxic Substances: The permittee shall notify the KDHE as soon as it knows or has reason to believe:
 - A. That any activity has occurred or will occur which would result in the discharge, on a routine or frequent basis, of any toxic pollutant which is not limited in the permit, if that discharge will exceed the highest of the following "notification levels": (1) One hundred micrograms per liter (100 µg/l) or (2) Five times the maximum concentration value reported for that pollutant in the permit application.

C. STANDARD CONDITIONS (continued)

- B. That any activity has occurred or will occur which results in any discharge, on a non-routine or infrequent basis, of a toxic pollutant which is not limited in the permit if that discharge will exceed the highest of the following “notification levels”: (1) Five hundred micrograms per liter (500 µg/l) or (2) Ten times the maximum concentration value reported for that pollutant in the permit application.
19. Toxic Substances - Water Treatment Additives. If the permittee utilizes or changes water treatment additives, concrete entraining agents, retardants, accelerators, and others, which are likely to find their way into the discharge:
- A. After the mixing zone provided by Kansas Water Quality Standards, the discharge of such treatment additives and/or other chemicals shall not be harmful to human, animal or plant life uses in the receiving stream, as determined by procedures established by KDHE.
 - B. The permittee shall keep an ongoing log of the water treatment chemicals used, their potential concentration in the facility discharge, and the associated toxicity data for each chemical. A sample chemical additives evaluation log can be obtained from the KDHE website at www.kdheks.gov/water/tech.html.
 - C. The permittee shall provide KDHE upon request, the individual toxicity tests or other data that the permittee used to determine the requirements in paragraph 19A are being achieved. In the event it is determined that the requirements of paragraph 19A above are not being achieved, KDHE reserves the right to amend this permit to specify additional terms and conditions for toxic substances.
20. Civil and Criminal Liability: Except as authorized in paragraph 9 above, nothing in this permit shall be construed to relieve the permittee from civil or criminal penalties for noncompliance as provided for in KSA 65-170d, KSA 65-167, and 33 USC Section 1319.
21. Oil and Hazardous Substance Liability: Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities or penalties to which the permittee is or may be subject to under 33 USC Section 1321 or KSA 65-164 et seq.
22. Property Rights: The issuance of this permit does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights nor any infringements of or violation of federal, state or local laws or regulations.
23. Severability: The provisions of this permit are severable. If any provision of this permit or any circumstance is held invalid, the application of such provision to other circumstances and the remainder of the permit shall not be affected thereby.
24. Removal from Service: The permittee shall inform the Division at least three months before a pumping station, treatment unit, or any other part of the treatment facility permitted by this permit is to be removed from service and shall make arrangements acceptable to the Division to decommission the facility or part of the facility being removed from service such that the public health and waters of the state are protected.
25. Duty to Reapply: A permit holder wishing to continue any activity regulated by this permit after the expiration date, must apply for a new permit at least 180 days prior to expiration of the permit.